

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re:

Chapter 7

SUSAN LAURA LEVIN
AKA SUSAN L. LEVIN,

Case No. 8-17-77330-las

Debtor.
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ORDER GRANTING, IN PART, AND DENYING, IN PART, DEBTOR'S MOTION TO
AVOID JUDICIAL LIEN HELD BY ALEX ASTILEAN UNDER 11 U.S.C. § 522(f)

Upon the motion of Susan Laura Levin (the "Debtor"), for entry of an order pursuant to 11 U.S.C. § 522(f), avoiding the judicial lien held by Alex Astilean ("Astilean") in the amount of \$97,109.30 against the Debtor's real property located at 10 Wagon Lane, East Hampton, NY 11937 (the "Property"), all as more fully set forth in the Motion (the "Motion") [dkt. no. 38]; and the Court having jurisdiction to consider the Motion and the relief requested therein in accordance with 28 U.S.C. § 1334; and consideration of the Motion and the relief requested therein being a core proceeding pursuant to 28 U.S.C. § 157(b); and due and proper notice of the Motion having been given; and it appearing that no other or further notice need be provided; and Astilean having filed opposition to the relief requested [dkt. no. 39]; and the Debtor having filed a reply [dkt. no. 42]; and the Court having held an evidentiary hearing at which Allan B. Mendelsohn appeared on behalf of the Debtor and Astilean appeared *pro se*; and pursuant to the Court's Memorandum Decision and Order dated April 24, 2020, the Court having found and determined that the judicial lien sought to be avoided impairs the Debtor's homestead exemption to the extent of \$54,685.30; and after due deliberation and there appearing to be sufficient cause to grant the relief requested in part; it is hereby

ORDERED that pursuant to 11 U.S.C. § 522(f)(1)(A), the Motion is granted to the extent provided herein; and it is further

ORDERED that upon the entry of a discharge order, the judicial lien of Astilean against the Debtor in the amount of \$97,109.30, recorded with the Clerk of Suffolk County, State of New York, on February 27, 2014, shall be vacated, expunged, and avoided in part to the extent of 54,685.30, and shall remain a lien of record against the Property in the reduced amount of \$42,424.00; and it is further

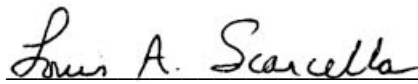
ORDERED that upon the entry of a discharge order, the Clerk of Suffolk County shall be directed to index and record a certified copy of this Order as an instrument vacating, expunging and avoiding the aforementioned judicial lien in part, and reducing the amount of Astilean's judicial lien against the Debtor's real property located at 10 Wagon Lane, East Hampton, NY 11937 to \$42,424.00; and it is further

ORDERED that the Court retains jurisdiction with respect to all matters arising from or related to the implementation of this Order; and it is further

ORDERED that Clerk's Office serve a copy of this Order on the Debtor, Debtor's attorney, and Alex Astilean.

Dated: April 29, 2020
Central Islip, New York




Louis A. Scarcella
United States Bankruptcy Judge